

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAMÓN ZORILLA-ECHEVARRÍA,

Defendant.

Criminal No. 07-448 (JAF)

ORDER

In accordance with Federal Rule of Criminal Procedure 36, we hereby amend our Amended Preliminary Order of Forfeiture (Docket No. 97) to read, in its entirety, as follows:

As a result of the guilty verdict on Counts One and Two of the Indictment, for which the United States of America sought forfeiture pursuant to 31 U.S.C. § 853, Defendant Ramón Zorrilla-Echevarría shall forfeit \$543,731 in the form of a money judgment to be enforced against him. From a review of the trial record and the Government's updated accounting of the funds seized (see Docket No. 96), we conclude that this sum is equal to the amount of cash Defendant attempted to smuggle to the Dominican Republic, the act that led to his conviction under 31 U.S.C. § 5331.

The Court shall retain jurisdiction to enforce this Order and to amend it as necessary. Fed. R. Crim. P. 32.2(e). The Clerk of the Court shall forward certified copies of this order to both parties.

Also, we hereby amend our judgment (Docket No. 73) to include a final order of forfeiture in the amount of \$543,731. The First Circuit has found "nothing objectionable about employing a later nunc pro tunc amendment to cure a mere failure of the judgment to describe a final order of forfeiture as required by Rule 32.2(b)(3)." United States v. Yeje-Cabrera, 430

Criminal No. 07-448 (JAF)

-2-

1 F.3d 1, 16 (1st Cir. 2005). This is especially true where “the judge has properly addressed the
2 forfeiture issue previously.” Id. (citing United States v. Hatcher, 323 F.3d 666, 673-74 (8th Cir.
3 2003) (deeming omission of the forfeiture from both the sentencing and the judgment to be
4 mere clerical error, where the district court had earlier entered a preliminary forfeiture order)).
5 We issued our first preliminary forfeiture order on March 17, 2008 (Docket No. 62), in advance
6 of both the sentencing (Docket No. 71) and the judgment (Docket No. 73). Given the ample
7 notice provided to Defendant, our amendment of the judgment is proper.

8 **IT IS SO ORDERED.**

9 San Juan, Puerto Rico, this 12th day of March, 2010.

10 s/José Antonio Fusté
11 JOSE ANTONIO FUSTE
12 Chief U.S. District Judge